

**JUSTICE MANAGEMENT DIVISION
FLEXIBLE WORK SCHEDULE PROGRAM (FWSP) PLAN**

I. Purpose

In compliance with legislative requirements to establish and implement policies that ensure flexibilities for management and staff, this establishes a Flexible Work Schedule Program Plan for non bargaining unit employees in the Justice Management Division (JMD).

II. Policy

All employees are eligible to participate in features of the FWSP Plan except where the nature of the employee's assignment or the mission of the work unit is incompatible with one or more FWSP option as deemed by management. Participation in one or more of the features of the FWSP Plan is voluntary and shall be permitted at the discretion of management. Management reserves the right to suspend any part of the FWSP to accomplish mission objectives.

III. Definitions

Basic Work Requirement – The number of hours, excluding overtime hours, an employee is required to work, or to account for, by charging leave, excused absence, holiday hours, compensatory time off, or time off as an award.

Core Hours - Established duty hours within a specified tour of duty that an employee is required to be at work. *The core hours for JMD: 10:00 a.m. to 2:30 p.m.*

Credit Hours – Subject to supervisory approval, these are hours earned, within a flexible schedule established under 5 U.S.C. 6122, *that exceed an employee's basic work requirement, or daily work schedule, and that the employee elects to work, so as to vary the length of a workweek or a workday.* For example: an employee whose basic work requirement, or daily work schedule, is 8:00 a.m. to 4:30 p.m., may earn credit hours if he/she 'elects' to or 'voluntarily' performs work prior to 8:00 a.m., or after 4:30 p.m. in that day.* Full-time employees may carry *no more than 24 credit hours* in any given pay period. Part-time employees are further limited in the number of hours that may be carried forward proportionate to their work hours. Members of the Senior Executive Service are ineligible to earn credit hours. Employees in attorney positions may earn credit hours at the discretion of their staff directors.

* In contrast, if management *requires* an employee to perform work outside his or her daily work schedule, an eligible employee is compensated with either overtime or compensatory time, not credit hours.

Duty Station – For pay purposes, the "official duty station" is the employee's position of record [and location] as indicated on his/her most recent notification of personnel action.

Flexible Hours (or Flexible Time Bands) - These are the hours, or period of time, during the workday that *surround the core hours, and are the hours during which employees may choose to vary their times of arrival to and departure from the work site.* The flexible time band periods for JMD are 6:00 a.m. to 10 a.m. (for arrival) and 2:30 p.m. to 6:00 p.m. (for departure).

IV. **Flexible Options** (subject to management approval)¹:

A. **Flexible Work Schedule (FWS)** – An FWS consists of workdays with designated core hours and flexible hours (or flexible time bands). JMD's FWS policy includes the following three types of work schedules:

- 1) **Flexi-Tour** means a type of flexible work schedule in which an employee is allowed to fulfill his/her 80-hour biweekly basic work requirement of eight hours a day, 40 hours a week by *selecting a starting and stopping time* within the flexible time bands. Once the work schedule has been established, these hours are *unchangeable* until the supervisor provides an opportunity for the employee to select a different work schedule.
- 2) **Gliding Tour** means a type of flexible work schedule in which a full-time employee has a basic work requirement of *eight hours each day and 40 hours each week; may select a starting and stopping time each day; and, may change starting and stopping times daily within the established flexible time bands.*
- 3) **Maxi-Flex Tour** means a type of flexible work schedule that contains *core hours on fewer than ten workdays* in the biweekly pay period and in which a full-time employee has a basic work requirement of 80 hours for the biweekly pay period, but in which an employee *may vary the number of hours worked on a given workday or the number of hours each week* within the limits established for the organization. Staffs offering Maxi-Flex Tours shall require employees to be scheduled to work core hours during at least four days of any workweek, that the schedule not be in excess of 10 hours on any day, and that schedules be established and approved prior to the start of any biweekly pay period.

¹ Please reference Exhibits A, B, and C for detailed information on the JMD alternative work schedule, telework, and part-time employment programs.

Features of the Gliding Tour may be used within the Maxi-Flex Tour. For example: upon supervisory approval, an employee on a Maxi-Flex work schedule, whose nine hour daily schedule is 7:00 a.m. to 4:30 p.m., may arrive, on any given day, up to no more than 30 minutes later than the expected time of arrival of 7:00 a.m. and fulfill his/her nine hour daily work requirement by departing 30 minutes later than the expected departure time of 4:30 p.m. Therefore, the employee would depart at 5:00 p.m.

- B. **Compressed Work Schedule (CWS)** – Compressed work schedules are *fixed* tours, or work schedules, in which a full-time employee has a basic work requirement of 80 hours for the biweekly pay period. Those 80 hours are fulfilled in fewer than 10 days. The employee must work the designated core hours during at least four days of any workweek, and the daily work schedule must not be in excess of 10 hours. These work schedules are termed as ‘fixed’ because the use of alternate arrival or departure times is prohibited for employees on a CWS.

Note: The earning of credit hours is prohibited for employees on a CWS.

- C. **Job-Sharing** - Two or more employees sharing one full-time position.
- D. **Telework** - Working from a satellite location (a home office, telework center, or other remote site) as approved by the Staff Director.
- E. **Part-Time** - Work schedule of 16 to 32 hours per pay week.

V. **Responsibilities**

- A. **The Assistant Attorney General for Administration shall** ensure that the Flexible Work Schedule Program is established, maintained, and evaluated as set forth in this Plan.
- B. **Managers and supervisors shall:**
 - 1) Review and approve/disapprove employee requests for flexible work options within three weeks of submission of completed FWSP form (see Section VI.B.).
 - 2) Ensure effectiveness of flexible work options relative to employee performance, program requirements, and mission objectives.
 - 3) Maintain the right to cancel a FWSP when it is determined to interfere with the productivity of the organization.

- 4) Maintain a record of all FWSP requests for one year after the end of the employee's participation in the flexible work option or one year after the request to participate is denied.²
- 5) Track FWSP participation and the number of approvals and denials.

C. Employees shall:

- 1) Complete the necessary forms which, depending on the nature of the request, include the Department of Justice (DOJ) Flexible Work Options Request form or the DOJ Telework Agreement form.
- 2) Observe agreed-upon hours of work in accordance with approved FWSP request.
- 3) Observe policies for requesting leave when leave is to be taken.
- 4) Ensure that work information in both hard copy and electronic form has been adequately secured.
- 5) Maintain a fully successful or equivalent performance rating or higher as a condition of obtaining and continuing on a FWSP arrangement.
- 6) Recognize that management may determine certain positions within JMD are not suitable for one or more of the options within the FWSP.

D. JMD Personnel Staff shall:

- 1) Develop and, upon management approval, implement the JMD FWSP Plan.
- 2) Advise managers and employees on use of FWSP options, in accordance with JMD policy.
- 3) Collect management reports annually on the implementation of the FWSP.

² This is based on guidance from the National Archives and Records Administration under "Alternate Worksite Records" which can also be applied to any type of flexible work option record. See: <http://ardor.nara.gov/grs/grs01.html> .

- 4) Periodically evaluate the Plan for effectiveness and recommend strategies for improvement.
- 5) Report on the JMD FWSP as required in DOJ Order 1200.1, Part 6, Chapter 2, Flexible Work Options Program.
- 6) Represent JMD on the Department's Worklife Quality Council.
- 7) Act as JMD liaison with the Department Worklife Program Manager.

VI. Guidelines

A. Management Discretion - Supervisors have the discretion to determine appropriate use of work schedules authorized by this Plan. The following groups of employees are not eligible:

- 1) Any group or classification of employees whose work location and schedule is fixed based on the protection and safety of property, employees, or the public.
- 2) Employees who have documented performance deficiencies or are on leave counseling and/or leave restriction letters, unless management deems this necessary to improve performance or attendance.

B. Time and Attendance Issues

- 1) **Hours of Duty** - The Flexible Work Options Request form shall document the hours of duty in conformance with regulatory guidelines.
- 2) **Leave** – Employees electing to use FWSP options remain subject to all office and Department leave policies.
- 3) **Certification and control of time and attendance** - Supervisors continue to be responsible for certifying the accuracy of payroll and leave data. Telework schedules must be accurately encoded into the NFC system.

C. Pay Issues

- 1) **Official Duty Station** - The employee's official duty station serves as the basis for determining certain pay entitlements, e.g., locality pay and special salary rates.

VII. Procedures

- A. **Application** - Employees must submit a completed DOJ Flexible Work Options Request form to apply for an alternative work schedule and the DOJ Telework Agreement form to apply for a telework arrangement.
- B. **Response Time** - Managers shall review and approve or disapprove FWSP requests within three weeks of submission of the completed form.³
- C. **Memorandum of Understanding** – Managers shall prepare a memorandum with employees when approving an FWSP option establishing details concerning the hours, days, and/or location and the expectations of the parties.
- D. **Grievances** - Employees and managers are strongly encouraged to develop “win-win” solutions to requests for flexibility. If a mutually acceptable solution is not established, employees may file a grievance in accordance with DOJ Order 1200.1, Part 3, Chapter 2, Agency Grievance Procedure.

VIII. Reporting Requirements

Managers shall submit a report each calendar year to the JMD Worklife Coordinator summarizing annual FWSP participation, benefits obtained, problems encountered and how those problems were resolved.

³ Exceptions to this provision will only be granted when a manager is on leave or training and requires additional time to consider the request. *In no case should response time exceed five weeks.*